
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MARCUS O'NEAL GRAY,

Petitioner,

versus

M.K. LEWIS,

Respondent.

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CIVIL ACTION NO. 1:20-CV-146

MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Marcus O'Neal Gray, an inmate confined at the Federal Correctional Institution at Beaumont, Texas, proceeding *pro se*, filed this petition for writ of mandamus. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable laws and orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends that a motion to dismiss filed by petitioner be granted and this petition dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. No objections were filed to the Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions set forth in the Report are correct and the Report of the magistrate judge is ADOPTED. Petitioner's motion to dismiss is GRANTED. An appropriate final judgment will be entered.

SIGNED at Beaumont, Texas, this 28th day of July, 2020.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE